UNITED STATES DISTRICT COURT   **EASTERN DISTRICT OF TEXAS**

MICHELE LESHA XU, XIAO FENG XU,	§	
	§	
Plaintiffs,	§	
	§	
versus	§	NO. 1:23-cv-00319-MAC-ZJH
	§	
CMH HOMES, INC.,	§	
	§	
Defendant.	§	
	§	

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

On October 31, 2023, the court referred this case to the Honorable Zack Hawthorn, United States Magistrate Judge, for pretrial management. Doc. No. 18. On October 10, 2023, Defendant CMH Homes, Inc. ("CMH") filed a Motion to Compel Arbitration seeking to compel the Plaintiffs' claims to arbitration pursuant to a Binding Dispute Resolution Agreement between the parties. Doc. No. 5. On July 1, 2024, Judge Hawthorn issued his Report and Recommendation (Doc. No. 43), which recommended granting Defendant CMH's Motion to Compel Arbitration because the Binding Dispute Resolution Agreement was a valid and enforceable agreement to arbitrate and the Plaintiffs failed to meet their burden of establishing that the arbitration agreement was invalid.

The Court received and considered the Report and Recommendation of the United States Magistrate Judge pursuant to such referral, along with the record, pleadings, and all available evidence. The parties have not filed objections to the Report and Recommendation, and the time for doing so has passed. *See* 28 U.S.C. § 636(b)(1)(C). After careful review, the Court finds

that the findings of fact and conclusions of law of the United States Magistrate Judge are correct.

It is, therefore, ORDERED that the report and recommendation of the United States Magistrate Judge (Doc. No. 43) is ADOPTED. Accordingly, Defendant CMH's Motion to Compel Arbitration is GRANTED. The parties are directed to arbitrate their dispute as outlined in the Binding Dispute Resolution Agreement. All other pending motions are DENIED AS MOOT.

It is further ORDERED that this case is administratively closed, but this court retains jurisdiction to enforce any arbitration award.

SIGNED at Beaumont, Texas, this 19th day of July, 2024.

_____
MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE